THE BOMBAY VILLAGE SANITATION ACT, 1889.

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SCHEDULE.

BOMBAY ACT No. I OF 1889.[1]

[THE BOMBAY VILLAGE SANITATION ACT, 1889.]

[*23rd May 1890.*]

Amended by Bom. 3 of 1915.

Amended and repealed in part by Bom. 25 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent.

2. It is applicable to the whloe of the Presidency of Bombay, except the City of Bombay, [2]* * * * and the [3]scheduled district of the Mehwassi Chiefs' villages, as defined in the [4]Scheduled Districts Act, 1874.

XIV of 1874.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context—

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanant municipal district or a military cantonment;

Bom V of 1879.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1889, Part V, p. 9 for Report of Select Committee, *see ibid.*, 1889, p. 34, and for Proceedings in Council, *see ibid.*, 1889, pp. 12 and 46.

[2] The words "Aden and its dependencies, Perim" were omitted by the Adaptation of Indian Laws Order in Council.

[3] That is the villages belonging to the following Mehwassi Chiefs:—
(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singapur.
(4) The Walwi of Gaohslli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[4] Central Acts.

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*) "chavdi" means, in any village in which there is no chavdi, such place as the Collector directs shall be deemed to be the chavdi for the purposes of this Act.

Operation of Parts II, III and IV.

5. (*1*) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village, or extends Part III to such village.

(*2*) Part III shall come into force in any village to which the [1][Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the [1][Commissioner], and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village.

(*3*) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of [3][the Provincial Government], the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicious places in his own office and in the office of the Mamlatdar and of the Mahalkari within whose taluqá or mahal the said village is situate and in the chavdi or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

Part III how to be extended to a village.

7. (*1*) The [1][Commissioner] may at any time extend Part III to any village in any part of the Presidency to which this act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(*2*) For the purpose of extending Part III to any such village, the [1][Commissioner shall, by [2]notification in the [3][*Official Gazette*] direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to [4][the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, [5][the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, [6][he may,] by notification in the [3][*Official Gazette*], exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (*3*) and (*4*) of section 6.

(*4*) Translations in the language of the district of every notification issued by [5][the Commissioner] under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (*2*) of section 6 for the publication of a proclamation issued by himself.

PART II.

Sanitary Committees.

Each village to have a Sanitary Committee.

8. (*1*) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(*2*) The chairman of the said Committee shall be nominated by the Collector.

(*3*) The chairman and other members of the Committee shall hold office for the prescribed period.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification extending Part III of the Act to certain villages and talukas, *see* Bombay Local Rules and Orders.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[5] These words were substituted for the word "Government", *ibid.*

[6] These words were substituted for the words "it may", *ibid.*

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

Magistrates having jurisdiction in the village may take part in Committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the Committee for the occasion.

Sanitary Committee to make village rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (*1*) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chavdi or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(*2*) Any objections so made shall be considered by the Collector, in [1][consultation] with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

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[1] The word "consultation" was substituted for the word "conference" by Bom. 25 of 1931, s. 2.

(*3*) Subject to the provisions of sub-section (*2*), every rule made by the Committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

Prosecution of offenders against the rules.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the Committee under section 11, such Committee may, by notice in writing, require such person's attendance before the Committee.

Cognizance by the Committee of offences against the rules.

14. (*1*) All offences against the rules made by the Committee under section 11 shall be cognizable by the Committee.

(*2*) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chavdi or some other convenient place within the village or near thereto.

(*3*) The Committee shall, in the presence of the accused person, or if not withstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable.

Appeals against the Committee's decisions.

X of 1882.

15. (*1*) A person convicted by the Committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district or other Magistrate vested under the [1]Code of Criminal Procedure with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate, not being a member of such Committee, as the Magistrate of the district may, subject to the orders of [2][the Provincial Government] from time to time, appoint in this behalf.

(*2*) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of 10 days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(*3*) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(*4*) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable.

Sanitary Committee may authorize expenditure for necessary works or measures.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village

[1] *See* now Act 5 of 1898.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

and the services of village servants placed at its command under section 42; and, when these means are insufficient, may from time to time, [1][employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid.]

Sanitary Committee may levy a rate on open air stalls.

[2][17. The Sanitary Committee may levy a rate on open air stalls in the village and the amount so recovered shall form part of the Sanitary Committee fund under section 30D.]

Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.

[3][18. Any sum of money of which the expenditure is authorised by the Sanitary Committee may be raised by voluntary subscription or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source:

Provided that—

(*1*) the aggregate amount to be recovered by such rate from the inhabitants of any village in any year shall not except with the permission of the Collector (for reasons to be recorded by him) exceed one half of the aggregate amount leviable in that year as local fund cess from such village;

(*2*) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

Sanitary Committee to prepare annually a statement of income and expenditure.

[4][18A. The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.]

PART III.

SANITARY BOARDS.

Constitution of Sanitary Boards.

[5][19. (*1*) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than two-thirds shall be elected: provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(*2*) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

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[1] These words were substituted for the words "with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorise the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid" by Bom. 25 of 1931, s. 3.

[2] Section 17 was substituted for the original section, *ibid.*, s. 4.

[3] Section 18 was substituted for the original section, *ibid.*, s. 5.

[4] Section 18A was inserted, *ibid.*, s. 5A.

[5] Section 19 was substituted for the original section, *ibid.*, s. 6.

(*3*) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub tenant a building or other immovable property therein and not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(*4*) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting together with a list of persons eligible to vote at it shall be posted at the chavdi at least fifteen days before the date of the election.

(*5*) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(*6*) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(*7*) The Board shall elect annually one of themselves to be the president:

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(*8*) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*9*) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf.]

Sanitary Board may make rules.

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee.

Appointment of Sanitary Inspector and other officers.

21. [1][(*1*) The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him.]

(*2*) Such Sanitary Inspector may be a person employed by the Taluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

[2][(*3*) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates.]

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[1] Sub-section (*1*) was substituted for the original sub-section by Bom. 25 of 1931, s. 7 (*1*).

[2] Sub-section (*3*) was added, *ibid.*, s. 7 (*2*).

Duties of the Sanitary Inspector.

22. (*1*) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules; or

(*b*) admonishing any person whom he finds offending against any of the said rules; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think, should be prosecuted for offending against any of the said rules.

(*2*) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as [1][the Provincial Government] may prescribe.

Prosecutions at instance of the Board for breaches of rules.

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance by the Board of offences against the rules.

24. (*1*) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority.

(*2*) The provisions of sub-section (*3*) of section 14 and of section 15 shall apply as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary Board's orders by whom to be carried out.

25. (*1*) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(*2*) The person authorised in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Works and buildings which may be provided by a Sanitary Board.

26. [*Sanitary Board may enter into certain contracts.*] *Repealed by Bom. 25 of 1931, s. 8.*

27. Every Sanitary Board may, [2]* * * * * * * cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(*a*) an adequate supply of water;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "with the approval of the Collector" were repealed by Bom. 25 of 1931, s. 9.

[1][**28.** The Sanitary Board may, by voluntary subsciption, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area subject to its authority and for the purposes of this Act.] Sanitary Board may raise funds by voluntary subscription.

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for— Purposes for which expenditure is to be incurred by Sanitary Board.

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21 ; and

(*b*) providing stationery and other requisites for the use of the Board and of the said Sanitary Inspector and other officers, if any ; and

(*c*) fulfilling any contract entered into by it under section [2][30C] ; and

(*d*) constructing necessary works and buildings under section 27.

[3][**30.** (*1*) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided. Sanitary Board's ways and means.

(*2*) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(*3*) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(*1*) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, except with the permission of the Collector (for reasons to be recorded by him), exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(*2*) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

PART IV.

General Provisions.

[4][**30A.** Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of 'The Sanitary Committee of.....' or 'The Sanitary Board of.....' as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.] Incorporation of Sanitary Committees and Sanitary Boards.

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[1] Section 28 was substituted for the original section by Bom. 25 of 1931, s. 10.
[2] The figures and letter "30C" were substituted for figures "26", *ibid.*, s. 11.
[3] Section 30 was substituted for the original section, s. 12.
[4] Section 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted, *ibid.*, s. 13.

Power to acquire, hold and transfer property.

[1][**30B.** (*1*) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immovable, whether within or without the limits of the village or villages subject to its authority.

Property vested in Sanitary Committee or Sanitary Board.

(*2*) All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by [2][the Provincial Government] or by an officer appointed by [2][the Provincial Government] in this behalf or by the district or taluka local board to which it belongs or in which it vests; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(*a*) public markets, slaughter-houses, manure and night-soil depots, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(*b*) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(*c*) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(*d*) public bathing ghats and recreation grounds;

(*e*) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets; and

(*g*) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.]

Mode of executing contracts.

[1][**30C.** (*1*) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act:

Provided that no contract involving an expenditure exceeding one hundred rupees or purchase of immovable property (involving similar expenditure) shall be made without the previous sanction of the Collector:

Provided further that in the case of every lease of immovable property, for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

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[1] Secions 30A, 30B; 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*2*) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.]

Sanitary Committee or Sanitary Board fund.

[1][**30D.** All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property; and all interest, profits and other moneys accruing by gifts or transfers from [2][any Government] or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.]

Property and funds of Sanitary Committee or Sanitary Board how to be applied.

[1][**30E.** All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted:

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits:

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50 of the Bombay Local Boards Act, 1923.]

Bom. VI of 1923.

Power to deposit and invest surplus funds.

[1][**30F.** (*1*) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary.

Bom III of 1901.

(*2*) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (*1*), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.]

Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.

[1][**30G.** When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate:

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[1] Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

Provided that such property as may have been transferred to or vested in such Committee or Board either by [1][the Provincial Government] or by the district local board shall, on such cessation, revert to the [2][Crown for the purposes of the Province] or the district local board, as the case may be.]

Certain Government officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by [3][sub-section (*1*) of section 40 of the Bombay Local Boards Act, 1923]. Bom. VI of 1923.

Removal from office of members, etc., of Sanitary Committees and Boards.

32. The Collector [4][after giving the person concerned an opportunity of being heard and after recording his reasons may], remove from office any member or chairman of a Sanitary Committee and with the sanction of [5][the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (*1*) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(*2*) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in

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[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[3] The words, figures and brackets "sub-section (*1*) of section 40 of the Bombay Local Boards Act, 1923" were substituted for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" by Bom. 25 of 1931, s. 14.

[4] These words were substituted for the words "may, after recording his reasons for the same", *ibid.*, s. 14A.

[5] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

default with confinement in the chavdi for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

Order for levy of fines.

37. (*1*) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine on such terms as to security as it shall seem to the committee or board necessary to impose.

(*2*) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the [1]Code of Civil Procedure in respect of the sale of moveable property in execution of decrees.

XIV of 1882.

39. [*Net proceeds of fines to be credited to account of Committee or Board having authority over the villages in which offences are committed.*] *Repealed by Bom. 25 of 1931, s. 15.*

Contributions and loans from local boards.

40. (*1*) Any District or Taluka Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

[2]* * * * * * * *

[3](*2*) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed [4][with the approval of the Collector by] the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (*1*) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such

[1] *See* now Act 5 of 1908.

[2] Sub-section (*2*) was repealed by Bom. 25 of 1931, s. 16 (*1*).

[3] Sub-section (*3*) was re-numbered as sub-section (*2*), *ibid.*, s. 16 (*2*).

[4] These words were substituted for the words " by the Collector, in conference with ", *ibid.*

Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as [1][the Commissioner may appoint] in this behalf.

Recovery of cost of such works.

(*2*) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed [2][with the approval of the Collector by] each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (*2*), in respect of rates charged under section 18, clause (*1*).

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(*3*) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Taluka Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

Local Boards may call for information in such cases.

(*4*) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Certain village servants to be placed under command of Sanitary Committee or Board.

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of [3][the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act.

Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.

43. (*1*) The Collector shall—

(*a*) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Hereditary Offices Act due to a village servant placed under the command of a Sanitary Committee or Board under the last preceding section; and Bom. III of 1874.

[1] These words were substituted for the words "Government appoints" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] These words were substituted for the words "by the Collector, in conference with" by Bom. 25 of 1931, s. 17.

[3] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

(*b*) if necessary, cause the amount which he determines to be due or the money value thereof at the market rate of the time being, if the due is payable in kind to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land revenue :

(*2*) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, [1]* * * * * be [2]delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (*1*) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(*2*) And no public servant or person duly authorised or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See* section 3.)

Number and year of enactment.	Subject or title.	Extent of repeal.
Bom. Act VII of 1867 ...	The Bombay District Police Act, 1867.	Sections 33 and 34.
Bom. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

[1] The words "with the sanction of Government," were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification sanctioning the delegation of powers by Collectors, *see* Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, *see Bombay Government Gazette*, 1902, Pt. I, p. 1153.